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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,363	12/21/2001	Fabio Casati	10013644-1	4968
22879	7590	07/30/2010	EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				BOYCE, ANDRE D
ART UNIT		PAPER NUMBER		
3623				
			NOTIFICATION DATE	DELIVERY MODE
			07/30/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## DETAILED ACTION

### ***Notice of Improper Amendment***

1. The amendment filed 5/17/10 after a decision by the Board of Patent Appeals and Interferences is not entered because prosecution is closed and the proposed amendment was not suggested in an explicit statement by the Board under 37 CFR 41.50(c).

Specifically, independent claims 1, 10 and 17 have been amended to include “and wherein said automatically detected context information comprises up-to-date present user location.” Although the decision by the Board of Patent Appeals and Interferences does include, pursuant to 37 C.F.R. § 41.50(b) (2009), a new ground of rejection on claims 17-23 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, the new ground of rejection raised by the Board does not reopen prosecution except as to that subject matter to which the new rejection was applied. If the Board's decision in which the rejection under 37 CFR § 41.50(b) was made includes an affirmation of the examiner's rejection, **the basis of the affirmed rejection is not open to further prosecution**, as discussed in the MPEP § 1214.01 I.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/  
Primary Examiner, Art Unit 3623  
July 27, 2010